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UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

AUDLEY BARRINGTON LYON, JR., <i>et al.</i> ,)	
)	No. 3:13-cv-05878-EMC
)	
Plaintiffs,)	
)	STIPULATION AND [PROPOSED] ORDER
vs.)	RE NOTICE AND ACCESS TO CLASS
)	
U.S. IMMIGRATION & CUSTOMS)	
ENFORCEMENT, <i>et al.</i> , ¹)	
)	
Defendants.)	

¹ Thomas S. Winkowski, Principal Deputy Assistant Director, ICE, is substituted under Fed. R. Civ. P. 25(d) for former Acting Director, John Sandweg, who was named as a defendant in this action in his official capacity but resigned from this position effective February 21, 2014.

STIPULATION RE NOTICE AND ACCESS TO CLASS

In accordance with the Court's Order Granting Plaintiffs' Motion for Class Certification dated April 16, 2014 (Dkt. # 31) ("Class Certification Order"), the Parties have met and conferred regarding the terms and method of providing notice to class members of this litigation and access to information about detained class members to facilitate Class Counsel's communications with and representation of the class. Pursuant to Federal Rule of Civil Procedure 23(c)(2) and (d) and the Class Certification Order and without prejudice to Plaintiffs' right to seek additional measures to facilitate access to and communication with class members, the Parties hereby stipulate as follows:

1. Defendants will take steps necessary to post, in English and Spanish, the written notice attached as Exhibit A in all housing units of the West County Detention Facility, the Rio Cosumnes Correctional Center, and the Yuba County Jail (collectively "facilities") that hold class members. In the unlikely event a facility will not agree to post notice, ICE will make alternative arrangements to provide notice such as providing notice to the alien prior to the alien being booked into the facility or by providing notice during routine visits by ICE agents.

2. Because class members' identifying information is within Defendants' possession, Defendants will provide "class lists" to Plaintiffs' counsel on the first business day of each month. The class lists will include the following information about each class member: name, alien number, country of citizenship, detention facility, and date booked into facility.

3. Because class members are in Defendants' custody, Defendants will facilitate Class Counsel's communication with class members by continuing to include the ACLU of Northern California in Defendants' "free call platform" from the West County Detention

1 Facility, the Rio Cosumnes Correctional Center, and the Yuba County Jail during the course of
2 this litigation.

3 4. Defendants will not seek information from the detention facilities regarding visits
4 between class members and Plaintiffs' counsel, legal team, or experts. Any information
5 Defendants receive inadvertently regarding such contact will not be used by or disclosed to any
6 person, within or outside of Defendants' agencies, for any purpose. This prohibition on
7 solicitation shall not preclude Defendants from seeking information from the facilities or
8 Plaintiffs through formal discovery requests, subject to the rules of discovery.

9 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.
10

11
12 Respectfully submitted,

13
14 Dated: June 3, 2014

ORRICK HERRINGTON & SUTCLIFFE LLP

15 By: /s/ Robert P. Varian
16 ROBERT P. VARIAN

17 AMERICAN CIVIL LIBERTIES UNION OF
18 NORTHERN CALIFORNIA, INC.

19 By: /s/ Julia Harumi Mass
20 JULIA HARUMI MASS
21 JINGNI (JENNY) ZHAO
22 MICHAEL T. RISHER

23 AMERICAN CIVIL LIBERTIES UNION
24 NATIONAL PRISON PROJECT

25 By: /s/ Carl Takei
26 CARL TAKEI

27 *Attorneys for Plaintiffs*
28

1 Dated: June 3, 2014

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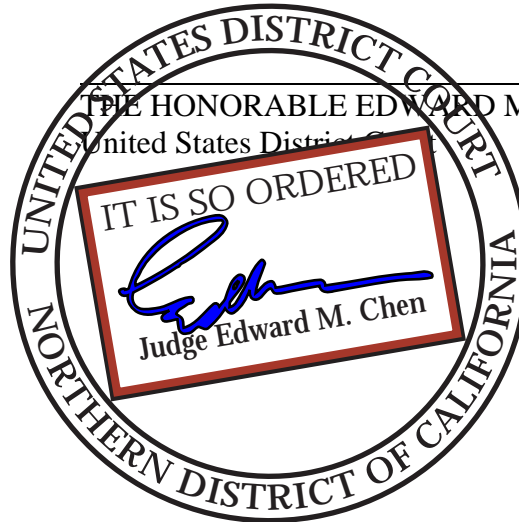
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16 *Attorneys for Defendants*

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 4, 2014



STIPULATION RE NOTICE AND ACCESS TO CLASS
No. 3:13-cv-05878-EMC

CERTIFICATION OF CONCURRENCE FROM OTHER PARTIES

I, Robert P. Varian, am the ECF user whose ID and password are being used to file this Stipulation and Proposed Order Regarding Notice and Access to Class. In compliance with General Order 45, X.B., I hereby certify that each of the other signatories has concurred in the filing of this document and has authorized the use of his/her electronic signature.

Dated: June 3, 2014

/s/ Robert P. Varian
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EXHIBIT A

Please read this notice.

If you are detained by U.S. Immigration and Customs Enforcement, you may have important rights related to the use of the telephones to work on your immigration case.

A federal court has approved a “class action,” which is a lawsuit brought on behalf of a group of people instead of a single person. If you are an immigration detainee in this detention facility, you are part of a class action called *Lyon v. Immigration and Customs Enforcement*. The lawsuit argues that problems with telephone access harm your ability to fight deportation and violate your rights. The lawsuit seeks to improve telephone access in immigration detention. It does not seek a money judgment.

If you are a member of this class, you do not need to sign up to be part of the lawsuit. You also cannot choose to be left out of the lawsuit. The rights of the class will be determined through the lawsuit.

If you are an immigration detainee and would like to know more about the lawsuit, please contact Julia Harumi Mass by telephone (dial **9160#** on the free telephone line) or by mail (label your envelope “Legal Mail” and send it to: ACLU of Northern California, 39 Drumm Street, San Francisco, CA 94111). Please provide the following information:

- Your full name
- Your A# (an 8 or 9 digit number written on your immigration documents)
- Your country of origin
- Your detention facility
- The date of your next court hearing
- Any difficulties you have experienced with telephone use and any harm to your immigration case that resulted
- Any other information you believe is important